



4-23-04

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DRAFT A
#48PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
AT 2028.21

First named inventor: David J. SCHANZLIN et.al.

RECEIVED

Application No.: 08/993,696

Art Unit: 3738

Filed: December 18, 1997

Examiner: D. Willse

APR 28 2004

Title: RADIAL INTRASTROMAL CORNEAL INSERT AND A METHOD OF INSERTION

OFFICE OF PETITIONS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
 - Small entity - fee \$665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 - Other than small entity - fee \$ _____ (37 CFR 1.17(m))
2. Reply and/or fee
 - A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response to Office Action (identify type of reply):
 - has been filed previously on _____.
 - is enclosed herewith.
 - B. The issue fee of \$ _____
 - has been paid previously on _____.
 - is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

U.S. Patent and Trademark Office
1100 L Street, N.W., Washington, D.C. 20591-0001

\$65.00 00

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 21, 2004.

Date

Signature

Telephone

Number: (650) 849-4950

Antoinette F. Konski

Typed or printed name

Three Embarcadero Center, Suite 1800

Address

San Francisco, California 94111-
4067

Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other : Postcard receipt

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.10]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

April 21, 2004

Date

Mary R. Zimmerman

Typed or printed name of person signing certificate